

TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
September 8, 2009

The Tippecanoe County Commissioners met on Tuesday, September 8, 2009 at 11:00 a. m. in the Tippecanoe Room in the County Office Building. Commissioners present were: Vice President David S. Byers and Member Thomas P. Murtaugh; President John L. Knochel was absent. Also present were: Attorney David W. Luhman, Auditor Jennifer Weston, Commissioner's Assistant Frank Cederquist, and Acting Secretary Dawn Rivera.

Commissioner Byers called the meeting to order and led the pledge of allegiance.

APPROVAL OF MINUTES

- Commissioner Murtaugh moved to approve minutes from the August 7, 2009 special meeting, August 11, 2009 special meeting, August 17, 2009 regular meeting, August 21, 2009 special meeting, and August 27, 2009 special meeting, second by Commissioner Byers; motion carried.

PRESENTATION OF ACCOUNTS PAYABLE VOUCHERS

Commissioner's Assistant Frank Cederquist recommended approval of accounts payable vouchers as submitted with no exceptions.

- Commissioner Murtaugh moved to approve the accounts payable vouchers as presented, second by Commissioner Byers; motion carried.

HIGHWAY – Opal Kuhl

Highway Director Opal Kuhl recommended approval of the Contract for Engineering Services on Eisenhower Road Erosion/Drainage Study from Beam, Longest and Neff, L.L.C. in the amount of \$22,000.

- Commissioner Murtaugh moved to approve the engineering report in the amount of \$22,000, second by Commissioner Byers; motion carried.

A Perpetual Highway Easement and Temporary Easement Grant with Kelty, McCoy & Pendleton for Parcels 3, 3A and 3B on Tippecanoe County Bridge #17 Project were presented for approval. The Perpetual Highway Easement for parcels 3 and 3B is in the amount of \$4,537 and the Temporary Easement Grant for Parcel 3A is in the amount of \$373.

- Commissioner Murtaugh moved to approve the Perpetual Highway Easement and Temporary Easement Grant as presented, second by Commissioner Byers; motion carried.

Approval was requested for a 3 year Construction Maintenance Bond for \$5,000 for FBI Buildings dba Aspen Group dba Aspen Group Visioning Architecture Construction to do work in all County right-of-ways.

- Commissioner Murtaugh moved to approve the 3 year Construction Maintenance Bond from FBI Builders for \$5,000, second by Commissioner Byers; motion carried.

Approval was requested for Change Order #1 for the Highway Garage Site Improvement Project from Myers Construction Management for \$10,336.

- Commissioner Murtaugh moved to approve Change Order #1 from Myers Construction Management for \$10,336, second by Commissioner Byers; motion carried.

Director Kuhl recommended approval for Change Order #1 for 2009 Bridge Patching Project from Jack Isom Construction Company, Inc. for \$76,680.

- Commissioner Murtaugh moved to approve Change Order #1 from Jack Isom Construction Company, Inc. as presented, second by Commissioner Byers; motion carried.

A Contract for Sale of Drainage Easement for Culvert WAS 101 on East County Line Road for \$4,500 was presented for approval. The sellers are Leo and Clara Rider.

- Commissioner Murtaugh moved to approve the Contract for Sale of Easement for \$4,500 from Leo and Clara Rider, second by Commissioner Byers; motion carried.

APPOINTMENT OF HIGHWAY SUPERVISOR

- Commissioner Murtaugh moved to appoint Ed Ward as Highway Supervisor, second by Commissioner Byers; motion carried.

REZONES

Z-2413 – TRUDI MORGAN (NB to R1); Ordinance 2009-16-CM:

- Commissioner Murtaugh moved to hear Rezone Z-2413 – Trudi Morgan (NB to R1) Ordinance 2009-16-CM, second by Commissioner Byers; motion carried.

(quote)

August 20, 2009
Ref. No. 09-273

CERTIFICATION

RE: Z-2413 – TRUDI MORGAN (NB to R1):

Petitioner is requesting rezoning of a portion of two lots located on the north side of Monroe Street, just west of Orchard Street, more specifically 6936 Monroe Street, in the unincorporated town of Stockwell, Lauramie 8 (NW) 21-3.

CONTINUED FROM THE JULY APC MEETING DUE TO SEND (sic) A CERTIFIED LETTER.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on August 19, 2009 the Tippecanoe County Area Plan Commission voted 13 yes - 0 no on the motion to rezone the subject real estate from NB to R1. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning request be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their Tuesday, September 8, 2009 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,
Sallie Dell Fahey
Executive Director

(unquote)

Petitioner Trudi Morgan, owner of record, stated the property has been a single family home for over 100 years and is requesting the zoning be residential instead of business.

- Commissioner Murtaugh moved to approve Rezone Z-2413 – Trudi Morgan (NB to R1) Ordinance 2009-16-CM, second by Commissioner Byers; motion carried.

Auditor Weston recorded the vote:

Byers	Yes
Murtaugh	Yes

Ordinance 2009-16-CM passes 2-0.

UZO Amendment #61; Ordinance 2009-15-CM: An omnibus amendment to the Unified Zoning Ordinance with 4 general sections including trash transfer stations; nonconforming uses and replacement costs; the rural estate definition; and setbacks, fencing, and buffering of temporary mining operations.

- Commissioner Murtaugh moved to hear UZO Amendment # 61; Ordinance 2009-15-CM, second by Commissioner Byers; motion passed.

APC Director Sallie Fahey spoke regarding the omnibus amendment to the ordinance. The first section makes a distinction between trash transfer stations that are completely enclosed with lesser requirements and those that are either open on three sides or operate with their door open during the day having stricter requirements. Section two clarifies language regarding repair costs and replacement costs. Section three is a change in the Zoning Ordinance to the rural estate definition setting measurable requirements for an impediment to a sanitary sewer by a stream or river. The final section reduces the requirements for vegetation and buffer yards for temporary mining operations lasting less than twelve months. These amendments were unanimously approved by the Plan Commission and recommended by the staff.

- Commissioner Murtaugh moved to approve UZO Amendment # 61; Ordinance 2009-15-CM, second by Commissioner Byers; motion passed.

Auditor Weston recorded the vote:

Byers	Yes
Murtaugh	Yes

Ordinance 2009-15-CM passes 2-0.

UZO Amendment # 62; Ordinance 2009-14-CM: An amendment to the definitions related to the new Flood Plain regulations for the purpose of adopting the digital Flood Insurance Rate Maps (FIRM) and the accompanying flood insurance study.

- Commissioner Murtaugh moved to hear UZO Amendment # 62; Ordinance 2009-14-CM, second by Commissioner Byers; motion passed.

This amendment will adopt the new digital flood insurance rate maps that have been prepared by FEMA through its contractor. The adoption deadline is September 25, 2009 for cities, towns and the county. This action will keep all communities up to date with the flood maps as well as continuing National Flood Insurance Program eligibility. This move will also allow the finalization of the digital zoning maps project.

Public Comment

None

- Commissioner Murtaugh moved to approve UZO Amendment # 62; Ordinance 2009-14-CM, second by Commissioner Byers; motion passed.

Auditor Weston recorded the vote:

Byers	Yes
Murtaugh	Yes

Ordinance 2009-14-CM passes 2-0.

USO Amendment #5; Ordinance 2009-13-CM: An amendment to the Unified Subdivision Ordinance regarding the definition of rural estate.

- Commissioner Murtaugh moved to hear USO Amendment # 5; Ordinance 2009-13-CM, Second by Commissioner Byers; motion passed.

This is a change in the Subdivision Ordinance to the rural estate definition setting measurable requirements for an impediment to a sanitary sewer by a stream or river. Adoption of this change will allow the Zoning Ordinance and Subdivision Ordinance to stay in conformity.

Public Comment

None

- Commissioner Murtaugh moved to Approve USO Amendment # 5; Ordinance 2009-13-CM, second by Commissioner Byers; motion passed.

Auditor Weston recorded the vote:

Byers	Yes
Murtaugh	Yes

Ordinance 2009-14-CM passes 2-0.

YOUTH SERVICES – Rebecca Humphrey

Director Rebecca Humphrey presented a contract for Wabash Valley Hospital to serve as a referral sight and offer Aggression Replacement Training using Medicaid funds. The contract states Juvenile Alternatives will refer kids to Wabash Valley Hospital, who will monitor services for compliance.

- Commissioner Murtaugh moved to approve the contract with Wabash Valley Hospital for Aggression Replacement Training partnership, second by Commissioner Byers; motion carried.

A contract between Cary Home and Turning Point Counseling for substance abuse supervision was presented for approval. Cary Home has begun offering an evidence-based substance abuse program called Cannabis Youth Treatment. Requirements of the program call for therapists at Cary Home to be supervised by a certified substance abuse counselor, which Turning Point will provide. This will be paid for through the Juvenile Alternative's Community Corrections Grant.

- Commissioner Murtaugh moved to approve the contract with Turning Point Counseling for substance abuse supervision, second by Commissioner Byers; motion carried.

Director Humphrey is not seeking approval of the DCS Master Contract at this time. Attorney Luhman had been provided the contract for review; it is not the correct contract for Tippecanoe County and a new one will be forthcoming.

GRANTS – Laurie Wilson

Grant Facilitator Laurie Wilson presented a court improvement grant for Superior Court 3 in the amount of \$20,000 for acceptance from the Indiana Judicial Center. This is an on-going grant that will be used for facilitation and mediation, reducing court time.

- Commissioner Murtaugh moved to accept the grant from the Indiana Judicial Center for \$20,000, second by Commissioner Byers; motion carried.

Acceptance of a grant for the Health Department was requested in the amount of \$177,230 for H1N1 immunization and necessary support.

- Commissioner Murtaugh moved to accept the grant for H1N1 immunization for \$177,230, second by Commissioner Byers; motion carried.

The Villa is requesting permission to apply for a grant of \$10,000 to install a walking path on the grounds. Ms. Wilson has identified several possible local foundations whose guideline might fit this type of funding.

- Commissioner Murtaugh moved to grant permission to apply for a grant of \$10,000 for a walking path at the Villa, second by Commissioner Byers; motion carried.

PROCLAMATION

Proclaiming the 4th Monday of every September as Family Day in Tippecanoe County

WHEREAS the use of illegal and prescription drugs and the abuse of alcohol and nicotine constitute the greatest threats to the well-being of America's children; and

WHEREAS 14 years of surveys conducted by The National Center on Addiction and Substance Abuse (CASA) at Columbia University have consistently found that the more often children and teenagers eat dinner with their families the less likely they are to smoke, drink and use illegal drugs; and

WHEREAS frequent family dining is associated with lower rates of teen smoking, drinking, illegal drug use and prescription drug abuse; and

WHEREAS the correlation between frequent family dinners and reduced risk for teen substance abuse is well documented; and

WHEREAS parents who are engaged in their children's lives--through such activities as frequent family dinners--are less likely to have children who abuse substances; and

WHEREAS family dinners have long constituted a substantial pillar of family life in America:

NOW, THEREFORE, BE IT PROCLAIMED by the Board of Commissioners of the County of Tippecanoe, that the fourth Monday of every September shall be recognized as

Family Day--A Day to Eat Dinner with Your Children™

and all citizens are urged to recognize and participate in its observance.

Adopted this 8th day of September 2009.

APPLICATIONS TO THE VILLA

- Commissioner Murtaugh moved to approve the applications for Cathy Lynn Adams and Duane Price to the Tippecanoe Villa, second by Commissioner Byers; motion carried.

UNFINISHED/NEW BUSINESS

None

REPORTS ON FILE

Building Commission
Clerk of the Circuit Court
Parks & Recreation Board
Tippecanoe County Central Mail & Duplicating
Crystal Creek Boarding Kennel

PUBLIC COMMENT

Area Planning Commission Director Sallie Fahey reported the Indiana Department of Natural Resources might have to buy some right-of-way on Swisher Road if approved for a Transportation Investment Generating Economic Recovery (TIGER) grant for the Department of Transportation, which might impact one of the potential sites for TEMA equipment storage the Commissioners are evaluating. In her opinion, it will only slightly impact the site, if at all.

Commissioner Byers announced the county team for the Leukemia & Lymphoma Society will be holding a cookout on the roof of the parking garage on September 18th at 11:00 to raise funds and awareness.

- Commissioner Byers adjourned the meeting.

**BOARD OF COMMISSIONERS OF
THE COUNTY OF TIPPECANOE**

John L. Knochel, President

David S. Byers, Vice President

Thomas P. Murtaugh, Member

ATTEST:

Jennifer Weston, Auditor